

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
MEMPHIS DIVISION

)
FREDDIE JONES, LUKE JONES)
TRENNA JONES, RALPH JONES,)
LAVON JONES, and JIMMY FREEMAN,)
as Surviving Children of ELNORA JONES,)
Deceased,)
Plaintiffs,) No. 2:07-cv-02120-WGY-tmp
)
v.) Hon. William G. Young
)
ABBOTT LABORATORIES,)
)
Defendant.)
)

W/GY
[PROPOSED] ORDER

Upon consideration of the Unopposed Motion to Amend the Scheduling Order, and for
good cause shown, the motion is GRANTED *as modified*.

Signed this 11th day June, 2013.
[Signature]

William G. Young

William G. Young
UNITED STATES DISTRICT JUDGE

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LAVON JONES, and JIMMY FREEMAN,)
as Surviving Children of ELNORA JONES,)
Deceased,)
Plaintiffs,) No. 2:07-cv-02120-WGY-tmp
v.) Hon. William G. Young
) I.C.L.C. D.J.
ABBOTT LABORATORIES,) MOTION ALLOWED *as modified.*
Defendant.)

William G. Young

June 11, 2013

UNOPPOSED MOTION TO AMEND SCHEDULING ORDER

Defendant Abbott Laboratories (“Abbott”), by and through counsel, and with the consent of counsel for Plaintiffs, respectfully moves the Court for amendment of its March 18, 2013 Scheduling Order (Dkts. 217 & 218) pursuant to Fed. R. Civ. P. 16(b)(4). In support of its motion, Abbott respectfully submits the following:

1. This Court’s March 18, 2013 Scheduling Order set certain case deadlines as follows:

Deadline for Plaintiffs’ Rule 26(a)(2) expert designations	<u>Feb. 4, 2013</u> (complete)
Deadline for Defendant’s expert designations	<u>Feb. 26, 2013</u> (complete)
Deadline to depose trial experts	<u>Apr. 13, 2013</u> (complete)
Deadline to file dispositive motions	<u>June 19, 2013</u>
Deadline to file responses to dispositive motions	<u>July 17, 2013</u>
Deadline to file replies to dispositive motions	<u>July 31, 2013</u>

2. On March 15, 2013, the Court certified two questions to the Tennessee Supreme Court: first, whether Tennessee recognizes an exception to the learned intermediary doctrine when a pharmaceutical manufacturer engages in direct-to-consumer advertising or remunerates physicians; and second, whether Tennessee follows section 6(d)(2) of the Restatement (Third) of Torts: Products Liability. (See Dkt. 216.)

3. The parties have conferred and agree that given the pendency of the certification proceeding, it would be appropriate to extend the deadline to file dispositive motions until after the Tennessee Supreme Court has either answered the certified questions or else exercised its discretion to decline certification. Accordingly, the parties respectfully request that the dispositive motion deadlines be modified as follows:

Deadline to file dispositive motions	<u>30</u> days after the Tennessee Supreme Court has answered the questions or declined certification. <i>30 MAY</i>
Deadline to file responses to dispositive motions	<u>60</u> days after the Tennessee Supreme Court has answered the questions or declined certification. <i>60 MAY</i>
Deadline to file replies to dispositive motions	<u>25</u> days after the Tennessee Supreme Court has answered the questions or declined certification. <i>25 MAY</i>